

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No.: 3:21-CR-107-KAC-JEM-1
)
FRANKLIN D. PARTON, JR.,)
)
Defendant.)

ORDER ACCEPTING AND ADOPTING REPORT AND RECOMMENDATION

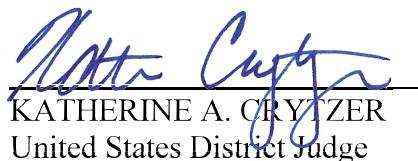
This criminal case is before the Court on United States Magistrate Judge Debra C. Poplin’s “Report and Recommendation” (“Report”) entered April 7, 2023 [Doc. 371]. Defendant is currently detained pending his April 21, 2023 sentencing hearing [*See* Doc. 358]. On March 23, 2023, Defendant filed a “Motion to Reconsider Allowing the Defendant to Remain on Medical Furlough for the Next 30 Days or in the Alternative Pending Sentencing,” [Doc. 351], seeking in part¹ to “obtain proper post-operative medical care and attention in a non-jail environment” and “avoid needless infections,” following a March 21, 2023 surgery; “receive [a] 2-hour Remicade I.V. infusion on April 11, 2023;” and broadly receive “follow up treatment as needed” outside of prison, [*id.* at 1, 3]. The United States opposed his request [*See* Doc. 355]. Judge Poplin held a hearing on Defendant’s Motion on April 5, 2023, [Doc. 367], and issued the Report, [Doc. 371], recommending that this Court deny Plaintiff’s Motion because Plaintiff “failed to show a ‘compelling reason’ for a medical furlough,” [*id.* at 4 (quoting 18 U.S.C. § 3142(i))]. Neither Party objected to the Report, and the time to do so has passed [*See* Doc. 371 at 5 (setting an April 12, 2023 deadline to file a Notice of Objections)].

¹ The Court has already adjudicated a separate portion of Defendant’s Motion [*See* Doc. 358].

As Judge Poplin analyzed in the Report, a medical furlough is not “necessary” for any “compelling reason” [See generally *id.*]. See 18 U.S.C. § 3142(i). Defendant failed to establish “circumstances warranting temporary release” [*Id.* at 3 (quoting *United States v. Hanson*, No. 22-CR-76, 2022 WL 1813585, at *7 (N.D. Ohio May 3, 2022))]. See also *United States v. Bothra*, 838 F. App’x 184, 185 (6th Cir. 2021). At the hearing, Defendant conceded that (1) staff at his detention facility have provided him proper medical care and assistance and (2) he “has not had an infection while detained” [*Id.* at 4]. Judge Poplin correctly concluded that Defendant’s fear of potentially getting an infection before his April 21, 2023 sentencing hearing amounts to “speculati[on],” which does not present a “compelling reason” in favor of a medical furlough [See *id.*]. What is more, Defendant’s prior conduct while on pretrial release in this case continues to demonstrate that he poses a serious flight risk and “danger to the safety of any other person or the community” [See Doc. 358 at 5].

Accordingly, after reviewing the record, the Court (1) **ACCEPTS** and **ADOPTS** Judge Poplin’s Report [Doc. 371] under 28 U.S.C. § 636(b)(1) and Federal Rule of Criminal Procedure 59(b)(3) and (2) **DENIES** the remainder of Defendant’s “Motion to Reconsider Allowing the Defendant to Remain on Medical Furlough for the Next 30 Days or in the Alternative Pending Sentencing” [Doc. 351]. Defendant shall remain detained pending sentencing.

IT IS SO ORDERED.



KATHERINE A. CRYTZER
United States District Judge